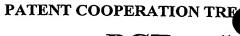
Translation





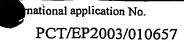
25 MAR 2005

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B02/0620PC	FOR FURTHER A	ACTION	See Form PCT/IPEA/416			
International application No.		late (day/month/year)	Priority date (day/month/year)			
PCT/EP2003/010657	25 September 2	2003 (25.09.2003)	26 September 2002 (26.09.2002)			
International Patent Classification (IPC) or national classification and IPC C01B 7/04						
Applicant BASF AKTIENGESELLSCHAFT						
This report is the international prelim	inary evernination re	nort octoblished beathir	International Preliminary Examining			
Authority under Article 35 and trans	mitted to the applican	t according to Article 36	international Preliminary Examining 6.			
2. This REPORT consists of a total of			heet.			
3. This report is also accompanied by A						
a. (sent to the applicant and	to the International B	ureau) a total of <u>1</u>	sheets, as follows:			
sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).						
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.						
		total of Codicate to				
b (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).						
4. This report contains indications relati	ng to the following it	ems:				
Box No. I Basis of the rep	ort					
Box No. II Priority						
Box No. III Non-establishm	nent of opinion with re	egard to novelty, inventi	ve step and industrial applicability			
Box No. IV Lack of unity o	f invention					
Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
Box No. VI Certain documents cited						
Box No. VII Certain defects in the international application						
Box No. VIII Certain observations on the international application						
Date of submission of the demand		Date of completion of this report				
26 February 2004 (26.02.2004)			03 January 2005 (03.01.2005)			
Name and mailing address of the IPEA/EP						
rame and maning address of the IPEA/EP		Authorized officer				
Facsimile No.		Telephone No.				





Box No.	. I	Basis of the report							
 With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item. 									
	This report is based on translations from the original language into the following language, which is language of a translation furnished for the purpose of:								
	international search (under Rules 12.3 and 23.1(b))								
	publication of the international application (under Rule 12.4)								
		international preliminary examination (under Rules 55.2 and/or 55.3)							
furnis	2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):								
		nternational application as originally filed/furnished							
		escription:							
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Ш	a sequ	ence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.							
, 1									
3	The ar	mendments have resulted in the cancellation of:							
		the description, pages							
		the claims, Nos.							
		the drawings, sheets/figs							
		the sequence listing (specify):							
		any table(s) related to sequence listing (specify):							
4.	made, (Rule	eport has been established as if (some of) the amendments annexed to this report and listed below had not been since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box 70.2(c)). the description, pages the claims, Nos the drawings, sheets/figs							
	the sequence listing (specify):								
		any table(s) related to sequence listing (specify):							
* If item 4 applies, some or all of those sheets may be marked "superseded."									

INTERNATIONAL PRE NARY EXAMINATION REPORT

International	application No.
PEP	03/10657

V.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
	citations and explanations supporting such statement

Canada ala capania de la capan					
1.	Statement				
	Novelty (N)	Claims	1-4	YES	
		Claims		NO NO	
	Inventive step (IS)	Claims		YES	
		Claims	1-4	NO	
	Industrial applicability (IA)	Claims	1-4	YES	
		Claims		NO	

2. Citations and explanations

Reference is made to the following documents:

- D1: GB-A-1 263 806 (ESSO RES & ENG COMP) 16 February 1972 (1972-02-16)
- D2: US-A-5 935 897 (TRUEBENBACH PETER ET AL) 10 August 1999 (1999-08-10)
- 1. The subject matter of claims 1-4 is novel with respect to the cited prior art within the meaning of PCT Article 33(2).
- 2. The present application does not satisfy the requirements of (PCT Article 33) for the following reasons:
- 2.1. Document D1 (page 1, lines 11-43; page 2, line 77; claims 1, 3, 6) discloses gold-bearing catalysts supported on molecular sieves or aluminum oxide as well as corresponding methods for oxidizing hydrogen chloride into chlorine with oxygen. Although D1 does not specify any concentrations, it can be concluded from the fact that these catalysts were produced by ion exchange that the range of concentrations for the gold according to D1 falls within the extremely broad

range of concentrations according to claim 1 of the present application (0.001 to 30% by weight).

Document D2 (column 12, lines 29-67; claims 1, 2, 4; examples) discloses catalysts as well as methods for oxidizing hydrogen chloride into chlorine with oxygen. The catalysts can be supported and gold can be selected as an active component. The metal-supported catalysts in the examples according to D2 contain metal concentrations in the range of 0.001 to 30% by weight.

A person skilled in the art would thus arrive at the subject matter of claim 1 by an appropriate selection from D1 and D2. In view of the fact that the application lacks any evidence of the effects (examples) associated with the selection undertaken in claim 1, this selection must be considered random, and an inventive step cannot be acknowledged. The subject matter of at least claim 1 does not involve an inventive step with respect to documents D1 and D2 within the meaning of PCT Article 33(3). Therefore, this claim at least does not satisfy the requirements of PCT Article 33.

2.2. Dependent claims 2-4 do not contain any additional features that, in combination with the features of any claim to which they refer back, meet the PCT requirements for inventive step, since the additional features defined therein fall within the competence of a person skilled in the art who is engaged in providing alternative catalysts or production methods. This is particularly true given the fact that the application does not contain any examples that could be used to support the advantages mentioned in the description.

Dependent claims 2-4 do not satisfy the PCT requirements with respect to inventive step (PCT Article 33(3)).